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HOUSE BILL 2283

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State of Washington

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**By** Representatives Volz, Rule, Senn, Davis, Ramel, Bronoske, Low, Schmidt, Doglio, Ormsby, Riccelli, Chapman, and Timmons

Read first time 01/10/24. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to allowing state employees living in an  
2 emergency or disaster area to receive shared leave; and amending RCW  
3 41.04.665.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 41.04.665 and 2020 c 6 s 2 are each amended to read  
6 as follows:

7 (1) An agency head may permit an employee to receive leave under  
8 this section if:

9 (a)(i) The employee suffers from, or has a relative or household  
10 member suffering from, an illness, injury, impairment, or physical or  
11 mental condition which is of an extraordinary or severe nature;

12 (ii) The employee has been called to service in the uniformed  
13 services;

14 (iii) The employee is a current member of the uniformed services  
15 or is a veteran as defined under RCW 41.04.005, and is attending  
16 medical appointments or treatments for a service connected injury or  
17 disability;

18 (iv) The employee is a spouse of a current member of the  
19 uniformed services or a veteran as defined under RCW 41.04.005, who  
20 is attending medical appointments or treatments for a service

1 connected injury or disability and requires assistance while  
2 attending appointment or treatment;

3 (v) A state of emergency has been declared anywhere within the  
4 United States by the federal or any state government and the employee  
5 has needed skills to assist in responding to the emergency or its  
6 aftermath and volunteers his or her services to either a governmental  
7 agency or to a nonprofit organization engaged in humanitarian relief  
8 in the devastated area, and the governmental agency or nonprofit  
9 organization accepts the employee's offer of volunteer services;

10 (vi) The employee is a victim of domestic violence, sexual  
11 assault, or stalking;

12 (vii) The employee needs the time for parental leave; (~~(viii)~~)

13 (viii) The employee is sick or temporarily disabled because of  
14 pregnancy disability; or

15 (ix) The employee lives in an area affected by an emergency or  
16 disaster as defined in RCW 38.52.010;

17 (b) The illness, injury, impairment, condition, call to service,  
18 emergency or disaster, emergency volunteer service, or consequence of  
19 domestic violence, sexual assault, temporary layoff under section  
20 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused,  
21 or is likely to cause, the employee to:

22 (i) Go on leave without pay status; or

23 (ii) Terminate state employment;

24 (c) The employee's absence and the use of shared leave are  
25 justified;

26 (d) The employee has depleted or will shortly deplete his or her:

27 (i) Annual leave and sick leave reserves if he or she qualifies  
28 under (a)(i) of this subsection;

29 (ii) Annual leave and paid military leave allowed under RCW  
30 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

31 (iii) Annual leave if he or she qualifies under (a)(v) (~~(viii)~~),  
32 (vi), or (ix) of this subsection; or

33 (iv) Annual leave and sick leave reserves if the employee  
34 qualifies under (a)(vii) or (viii) of this subsection;

35 (e) The employee has abided by agency rules regarding:

36 (i) Sick leave use if he or she qualifies under (a)(i), (vi),  
37 (vii), or (viii) of this subsection; or

38 (ii) Military leave if he or she qualifies under (a)(ii) of this  
39 subsection; and

1 (f)(i) Until the expiration of proclamation 20-05, issued  
2 February 29, 2020, by the governor and declaring a state of emergency  
3 in the state of Washington, or any amendment thereto, whichever is  
4 later, an agency head may permit an employee to receive shared leave  
5 under this section if the employee, or a relative or household  
6 member, is isolated or quarantined as recommended, requested, or  
7 ordered by a public health official or health care provider as a  
8 result of suspected or confirmed infection with or exposure to the  
9 2019 novel coronavirus (COVID-19). An agency head may permit use of  
10 shared leave under this subsection (1)(f) without considering the  
11 requirements of (a) through (e) of this subsection.

12 (ii) The office of the governor must provide notice of the  
13 expiration of proclamation 20-05, or any amendment thereto, whichever  
14 is later, to the chief clerk of the house of representatives, the  
15 secretary of the senate, the office of the code reviser, and others  
16 as deemed appropriate by the office of the governor.

17 (2)(a) The agency head shall determine the amount of leave, if  
18 any, which an employee may receive under this section. However, the  
19 agency head may not prevent an employee from using shared leave  
20 intermittently or on nonconsecutive days so long as the leave has not  
21 been returned under subsection (10) of this section. In addition, an  
22 employee shall not receive a total of more than five hundred twenty-  
23 two days of leave, except that, a supervisor may authorize leave in  
24 excess of five hundred twenty-two days in extraordinary circumstances  
25 for an employee qualifying for the shared leave program because he or  
26 she is suffering from an illness, injury, impairment, or physical or  
27 mental condition which is of an extraordinary or severe nature.  
28 Shared leave received under the uniformed service shared leave pool  
29 in RCW 41.04.685 is not included in this total.

30 (b) An employee receiving industrial insurance wage replacement  
31 benefits may not receive greater than twenty-five percent of his or  
32 her base salary from the receipt of shared leave under this section.

33 (3) The agency head must allow employees who are veterans, as  
34 defined under RCW 41.04.005, and their spouses, to access shared  
35 leave from the veterans' in-state service shared leave pool upon  
36 employment.

37 (4) An employee may transfer annual leave, sick leave, and his or  
38 her personal holiday, as follows:

39 (a) An employee who has an accrued annual leave balance of more  
40 than ten days may request that the head of the agency for which the

1 employee works transfer a specified amount of annual leave to another  
2 employee authorized to receive leave under subsection (1) of this  
3 section. In no event may the employee request a transfer of an amount  
4 of leave that would result in his or her annual leave account going  
5 below ten days. For purposes of this subsection (4)(a), annual leave  
6 does not accrue if the employee receives compensation in lieu of  
7 accumulating a balance of annual leave.

8 (b) An employee may transfer a specified amount of sick leave to  
9 an employee requesting shared leave only when the donating employee  
10 retains a minimum of one hundred seventy-six hours of sick leave  
11 after the transfer.

12 (c) An employee may transfer, under the provisions of this  
13 section relating to the transfer of leave, all or part of his or her  
14 personal holiday, as that term is defined under RCW 1.16.050, or as  
15 such holidays are provided to employees by agreement with a school  
16 district's board of directors if the leave transferred under this  
17 subsection does not exceed the amount of time provided for personal  
18 holidays under RCW 1.16.050.

19 (5) An employee of an institution of higher education under RCW  
20 28B.10.016, school district, or educational service district who does  
21 not accrue annual leave but does accrue sick leave and who has an  
22 accrued sick leave balance of more than twenty-two days may request  
23 that the head of the agency for which the employee works transfer a  
24 specified amount of sick leave to another employee authorized to  
25 receive leave under subsection (1) of this section. In no event may  
26 such an employee request a transfer that would result in his or her  
27 sick leave account going below twenty-two days. Transfers of sick  
28 leave under this subsection are limited to transfers from employees  
29 who do not accrue annual leave. Under this subsection, "sick leave"  
30 also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or  
31 28A.310.240(1) with compensation for illness, injury, and  
32 emergencies.

33 (6) Transfers of leave made by an agency head under subsections  
34 (4) and (5) of this section shall not exceed the requested amount.

35 (7) Leave transferred under this section may be transferred from  
36 employees of one agency to an employee of the same agency or, with  
37 the approval of the heads of both agencies, to an employee of another  
38 state agency.

39 (8) While an employee is on leave transferred under this section,  
40 he or she shall continue to be classified as a state employee and

1 shall receive the same treatment in respect to salary, wages, and  
2 employee benefits as the employee would normally receive if using  
3 accrued annual leave or sick leave.

4 (a) All salary and wage payments made to employees while on leave  
5 transferred under this section shall be made by the agency employing  
6 the person receiving the leave. The value of leave transferred shall  
7 be based upon the leave value of the person receiving the leave.

8 (b) In the case of leave transferred by an employee of one agency  
9 to an employee of another agency, the agencies involved shall arrange  
10 for the transfer of funds and credit for the appropriate value of  
11 leave.

12 (i) Pursuant to rules adopted by the office of financial  
13 management, funds shall not be transferred under this section if the  
14 transfer would violate any constitutional or statutory restrictions  
15 on the funds being transferred.

16 (ii) The office of financial management may adjust the  
17 appropriation authority of an agency receiving funds under this  
18 section only if and to the extent that the agency's existing  
19 appropriation authority would prevent it from expending the funds  
20 received.

21 (iii) Where any questions arise in the transfer of funds or the  
22 adjustment of appropriation authority, the director of financial  
23 management shall determine the appropriate transfer or adjustment.

24 (9) Leave transferred under this section shall not be used in any  
25 calculation to determine an agency's allocation of full time  
26 equivalent staff positions.

27 (10)(a) The value of any leave transferred under this section  
28 which remains unused shall be returned at its original value to the  
29 employee or employees who transferred the leave when the agency head  
30 finds that the leave is no longer needed or will not be needed at a  
31 future time in connection with the illness or injury for which the  
32 leave was transferred or for any other qualifying condition. Unused  
33 shared leave may not be returned until one of the following occurs:

34 (i) The agency head receives from the affected employee a  
35 statement from the employee's doctor verifying that the illness or  
36 injury is resolved; or

37 (ii) The employee is released to full-time employment; has not  
38 received additional medical treatment for his or her current  
39 condition or any other qualifying condition for at least six months;  
40 and the employee's doctor has declined, in writing, the employee's

1 request for a statement indicating the employee's condition has been  
2 resolved.

3 (b) If a shared leave account is closed and an employee later has  
4 a need to use shared leave due to the same condition listed in the  
5 closed account, the agency head must approve a new shared leave  
6 request for the employee.

7 (c) To the extent administratively feasible, the value of unused  
8 leave which was transferred by more than one employee shall be  
9 returned on a pro rata basis.

10 (11) An employee who uses leave that is transferred to him or her  
11 under this section may not be required to repay the value of the  
12 leave that he or she used.

13 (12) The director of financial management may adopt rules as  
14 necessary to implement subsection (2) of this section.

15 (13) For the purposes of this section, "shortly deplete" means  
16 that the employee will have forty hours or less of the applicable  
17 leave types under subsection (1)(d) of this section. However, the  
18 employee is not required to deplete all of the employee's leave and  
19 can maintain up to forty hours of the applicable leave types in  
20 reserve.

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